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34533 7590 05/17/2007 INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469			EXAMINER RUTLEDGE, AMELIA L	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/756,158
Filing Date: January 13, 2004
Appellant(s): BODIN ET AL.

Thomas Fortenberry
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 26, 2007 appealing from the Office action mailed August 29, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner:

Claims 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The appellant's statement of the remaining grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6658414

BRYAN ET AL.

12-2003

Capra et al., "WebContext: Remote Access to Shared Context", ACM International Conference Proceeding Series, Vol. 15, Proceedings of the 2001 Workshop on Perceptive User Interfaces, 2001, p. 1-9.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryan et al. (hereinafter "Bryan"), U.S. Patent No. 6,658,414, issued December 2003, in view of Capra et al. (hereinafter "Capra"), "WebContext: Remote Access to Shared Context", ACM International Conference Proceeding Series, Vol. 15, Proceedings of the 2001 Workshop on Perceptive User Interfaces, 2001, p. 1-9.

Independent claim 1 cites: *A method for differential dynamic content delivery, the method comprising: providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document;* Bryan teaches a voice portal for dynamic content delivery with a session database which maintains the session context and information for the user (Col. 9, l. 9-14). While Bryan does not explicitly teach providing a session document, i.e., a structured document, Capra teaches a method for differential dynamic content delivery, enabling remotely accessible shared context (p. 1, 2, Sect. 3), with a context grammar including session information and grammar, i.e., specifying the time frame in which web pages were browsed (p. 6, Sect. 5.2.3, especially, p. 6, Col. 2, par. 7), contained in an XML document (p. 5-6, Sect. 5.2.2). Therefore, Capra teaches recording session information and a session grammar in a structured document. Further, it was notoriously well known in the art at the time of the invention that session information could be recorded in both structured documents and database entries.

Both Bryan and Capra are analogous art, since both are directed toward searching and presenting information from the web via a voice interface (Capra, p. 1, Col. 2, par. 3; Bryan, Abstract). It would have been obvious to one of ordinary skill in

the art at the time of the invention to apply Capra to Bryan, since Capra teaches creating a structured document containing context grammar to help provide access to the shared context for other applications (Capra, p. 6, Sect. 5.2.3) thereby increasing the portability and accessibility of the shared context (Capra, p. 1, Col. 2, par. 1) and Bryan teaches dynamic voice content delivery and would therefore have the benefit of the portable shared context and user query method taught by Capra.

Claim 1 also cites: *receiving a prerecorded presentation control instruction; selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation; and presenting the selected structural element to the user.*

Bryan teaches that a user may create a unique, personalized voice portal with keywords, and audio macros, i.e., prerecorded presentation control instructions, which are linked with user classifications, such as data sources of interest, as well as the user identification (Col. 9, l. 22-60). The user uses the prerecorded keywords or macros to access and be presented with presentation elements, such as a stock quote or user specified information (Col. 11, l. 6-54).

Regarding dependent claims 2-3, Bryan teaches that the prerecorded presentation control instruction has an associated time stamp (Col. 11, l. 6-17), and that the voice macros can be recorded repeatedly (Col. 11, l. 48-54).

Regarding dependent claim 4, Bryan teaches that the user defines a key phrase and optional parameters for invoking a presentation action; and parsing the key

phrase and parameters against a voice response grammar into a presentation control instruction (Col. 9, l. 40-Col. 10, l. 22).

Regarding dependent claim 5, Bryan teaches that the user can associate different vocabulary words with different data sources, specify keywords for searching the data sources, time intervals of interest, etc. (Col. 9, l. 40-60), and may select structural elements within the portal depending on the presentation action identifier and parameters.

Regarding dependent claim 6, Bryan teaches that a user may create a unique, personalized voice portal with keywords, and audio macros, i.e., prerecorded presentation control instructions, which are linked with user classifications, such as data sources of interest, as well as the user identification (Col. 9, l. 22-60).

Regarding dependent claim 7, Bryan teaches that the user specifies a data communications protocol for the presentation, and the information is translated and transmitted to the user in that protocol (Col. 8, l. 47-65).

Regarding dependent claims 8-10, while Bryan teaches a voice portal for dynamic content delivery with a session database which maintains the session context and information for the user (Col. 9, l. 9-14), Bryan does not explicitly teach providing a session document, i.e., a structured document. However, Capra teaches creating the context document, which also contains session information, by extracting information from the web presentation documents viewed by a user (p. 3-5, Sect. 5.1). Capra teaches using a grammar to combine context documents and extract information from them (p. 6, Sect. 5.2.3) to create new output documents, i.e., presentation documents in

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response to user queries. Capra teaches dynamically filtering the context grammar based on the contents of the files. Bryan teaches creating a voice portal for a user according to the user profile and user classifications (Col. 9, l. 23-60). Bryan teaches searching a structured document to extract user specified information (Col. 8, l. 28-46). Bryan teaches that each user may specify his or her own grammar.

Both Capra and Bryan are analogous art, since both are directed toward searching and presenting information from the web via a voice interface. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Capra to Bryan, since Capra teaches creating a structured document containing context grammar to help provide access to the shared context for other applications thereby increasing the portability and accessibility of the shared context, and Bryan teaches dynamic voice content delivery and would therefore have the benefit of the portable shared context and user query method taught by Capra.

Regarding dependent claim 11, Bryan teaches that a user may create a unique, personalized voice portal with keywords, and audio macros, i.e., prerecorded presentation control instructions, which are linked with user classifications, such as data sources of interest, as well as the user identification (Col. 9, l. 22-60). The user uses the prerecorded keywords or macros to access and be presented with presentation elements, such as a stock quote or user specified information (Col. 11, l. 6-54). The user creates his or her own presentation grammar, and the voice portal is created from an original template document (Col. 12, l. 9-31).

Regarding dependent claim 12, Bryan teaches that the user may identify presentation attributes such as the order in which searches will be presented, identifying a classification identifier input by the user, and inserting the identifier into the voice portal, i.e., structured document, in association with the search presentation (Col. 12, l. 60-Col. 13, l. 30).

Regarding dependent claim 13, while Bryan teaches that each user defines a unique presentation grammar, Bryan does not explicitly teach the limitations of dependent claim 13, however, Capra teaches creating a grammar for the structured document using the Java Speech Grammar Format version 1.0. Capra teaches identifying the content type of the original document; selecting, in dependence upon the content type, a full presentation grammar from among a multiplicity of full presentation grammars; and filtering the full presentation grammar into a presentation grammar for the structured document in dependence upon the structural elements of the structured document (p. 6, Col. 2 and p. 7 Col. 1). Capra teaches the use of a dynamic context free grammar (CFG).

Both Capra and Bryan are analogous art, since both are directed toward searching and presenting information from the web via a voice interface. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Capra to Bryan, since Capra teaches creating a structured document containing context grammar to help provide access to the shared context for other applications thereby increasing the portability and accessibility of the shared context, and Bryan teaches

dynamic voice content delivery and would therefore have the benefit of the portable shared context and user query method taught by Capra.

Regarding independent claim 14 and dependent claims 15-26, claims 14-26 reflect the system used for implementing the methods claimed in independent claim 1 and dependent claims 2-13, and are rejected along the same rationale.

Regarding independent claim 27 and dependent claims 28-39, claims 27-39 reflect the computer program product comprising a recording medium used for implementing the methods claimed in independent claim 1 and dependent claims 2-13, and are rejected along the same rationale.

(10) Response to Argument

Beginning on page 5 of the Appeal Brief (hereinafter the Brief), Appellants argue the following issues which are accordingly addressed below.

- a. **“Argument Regarding The First Ground of Rejection: Claims 1-26 Are Rejected Under 35 U.S.C. 101 Because the Claimed Invention Is Directed To Non-Statutory Subject Matter.”** (pages 5-7 of the Brief).

Appellants' arguments are persuasive. The rejection of claims 1-26 under 35 U.S.C. 101 has been withdrawn.

b. **“Argument Regarding The Second Ground Of Rejection: Claims 1-39 Are Rejected Under 35 U.S.C. § 103(a) As Being Unpatentable Over Bryan Et Al. (Hereinafter "Bryan"), U.S. Patent No. 6,658,414, Issued December 2003, In View Of Capra Et Al. (Hereinafter "Capra"), "WebContext: Remote Access To Shared Context," ACM International Conference Proceeding Series, Vol. 15, Proceedings Of The 2001 Workshop On Perceptive User Interfaces, 2001, P. 1-9.” (p. 7-24 of the Brief).**

Each of Appellants' arguments regarding the second ground of rejection are addressed separately as follows.

c. **“Bryan And Capra Do Not Teach Or Suggest Providing A Session Document For A Presentation, Wherein The Session Document Includes A Session Grammar And A Session Structured Document.” (p. 9-13 of the Brief).**

Appellants argue in regard to the rejection of independent claim 1, that Bryan does not disclose the limitation of claim 1, “providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document” (p. 9-10 of the Brief). It is respectfully noted that while Bryan does suggest recording session information, since Bryan teaches a voice portal for dynamic

content delivery with a session database which maintains the session context and information for the user (Col. 9, l. 9-14), Bryan was not relied upon in the rejection of claim 1 to teach the limitation "providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document".

Appellants arguments in regard to the Capra reference address each cited portion of Capra individually, and as such are based on a piecemeal analysis of the Capra reference. However, Appellants note that Capra at section 5.2.3 discloses creating a grammar for use by voice applications from the information stored in document models disclosed in section 5.2.2 of Capra (p. 13, par. 2 of the Brief). While Appellants argue that for this reason, Capra's disclosed grammar is not equivalent to Appellants' disclosed session grammar and a session structured document, the examiner respectfully disagrees. Figures 12-15 of the drawings in Appellants' disclosure depict a Voice Response Server, item 104, with VRS Grammar, item 105 used in conjunction with the session document and session grammar, which are derived from a presentation document and presentation grammar. Therefore Appellants disclose a grammar for use by voice applications, from which a presentation and session grammar are derived (Specification, p. 31, par. 10-21).

As claimed, the limitation "providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document" is disclosed by Capra. The claims must be given the broadest reasonable interpretation in light of the specification.

MPEP 2106 cites:

USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").

Capra discloses a grammar for use by voice applications. Capra further discloses deriving a session grammar from the voice application grammar, since Capra teaches deriving a context grammar from an extracted XML document (the SCRML document of Section 5.2.2). Capra teaches that the context grammar includes session information and grammar, i.e., specifying the time frame in which web pages were browsed for a particular user (p. 6, Sect. 5.2.3, especially, p. 6, Col. 2, par. 7). Capra teaches that the session grammar is derived from a grammar contained in an XML document, which is derived from an HTML page (p. 5-6, Sect. 5.2.2).

Therefore, when the claim limitation is interpreted in light of the supporting disclosure, Bryan in view of Capra does explicitly disclose the limitation "providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document".

d. **“Bryan Does Not Teach Or Suggest Receiving A Prerecorded Presentation Control Instruction; Selecting From The Session Structured Document A Classified Structural Element In Dependence Upon The Prerecorded Presentation Control Instruction And In Dependence Upon User Classifications Of A User Participant In The Presentation; And Presenting The Selected Structural Element To The User.”** (pages 14-19 of the Brief).

In response to Appellants' arguments that Bryan does not teach the limitation of claim 1, “receiving a prerecorded presentation control instruction; selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation; and presenting the selected structural element to the user” the examiner respectfully disagrees.

Bryan teaches that a user may create a unique, personalized voice portal with keywords, and audio macros, i.e., prerecorded presentation control instructions, which are linked with user classifications, such as data sources of interest, as well as the user identification (Col. 9, l. 22-60). Bryan teaches a prerecorded presentation control instruction based on a word selected by the user, which is used to select and present to the user data of interest from the internet for a user voice portal (Col. 9, l. 40-23).

Bryan discloses that a user uses the prerecorded keywords or macros to access and be presented with presentation elements, such as a stock quote or user specified information (Col. 11, l. 6-54). For example, Bryan teaches that the user may select the

prerecorded spoken word "portfolio" to access stock quotes for stocks in the user's stock portfolio (col. 9, l. 53-56).

While Appellants argue that Bryan does not disclose the above claim limitations because Bryan does not mention the specific terms used in the claim limitation, "prerecorded presentation control instruction", "user classifications of a user participant in the presentation", "session structured document", "classified structural element" (p. 17, par. 1 of the Brief), it is the examiner's opinion that Bryan does disclose the recited claim limitations as interpreted in light of Appellants' supporting disclosure. Bryan discloses a "prerecorded presentation control instruction", because Bryan teaches a prerecorded audio macro recorded by the user (Col. 9, l. 22-60). Bryan teaches "user classifications of a user participant in the presentation", since Bryan teaches uniquely identifying the user and that the user may select data sources and keywords of interest (Col. 9, l. 22-60). Bryan teaches selecting a "classified structural element" from a structured document because Bryan teaches that the voice portal retrieves classified structural information from the internet, for example selecting stock quotes from a web site (Col. 9, l. 52-60).

e. **"Relations Among Claims."** (p. 19-21 of the Brief).

Pages 19-21 of the Brief list the remaining independent and dependent claims, and apply the arguments for independent claim 1 to the remaining claims.

It is the examiner's opinion that the rejections of the remaining independent and dependent claims should be sustained for the reasons set forth for claim 1, above.

- f. **"No Suggestion or Motivation to Combine Bryan and Capra."** (p. 21-24 of the Brief).

In response to Appellants' argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, while Appellants argue that hindsight was used, the motivation to combine the references was disclosed in Capra, because Capra discloses a *portable* architecture for accessing shared context (p. 1, col. 1, par. 1). Portable software was capable of running on more than one computer system, and could easily be adapted to different operating systems and computing environments. Capra discloses that the portable architecture could be accessible from different computers with different output modalities. Because Capra discloses a portable architecture for capturing, storing, accessing, and using shared context across different computing environments (p. 1, col. 2, par. 1-2), Capra discloses the motivation to combine the references, since the

portable architecture disclosed by Capra could be applied and ported to Bryan, as would have been obvious to one of ordinary skill in the art at the time of the invention.

Both Bryan and Capra are analogous art, since both are directed toward searching and presenting information from the web via a voice interface (Capra, p. 1, Col. 2, par. 3; Bryan, Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Capra to Bryan, since Capra teaches creating a structured document containing context grammar to help provide access to the shared context for other applications (Capra, p. 6, Sect. 5.2.3) thereby increasing the portability and accessibility of the shared context (Capra, p. 1, Col. 2, par. 1) and Bryan teaches dynamic voice content delivery and would therefore have the benefit of the portable shared context and user query method taught by Capra.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Amelia Rutledge


May 14, 2007

Conferees:



Doug Hutton, Primary Examiner

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